BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

In the Matter of	)	
	)	
Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems	)	CC Docket 94-102

COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION
1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036
202/ 785-0081

January 9, 1995

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SUMMARY

CTIA strongly supports the goal of this proceeding, that is, the broadened availability of enhanced 911 ("E911") services to users of wireless telecommunications.

In order to most efficiently secure the successful attainment of this goal, CTIA believes that the Commission should establish an Industry Advisory Committee to devise a consensual solution. The Commission should eschew the imposition of regulatory requirements prior to the establishment of a common technological capability that can become the standard for the nation's PSAPs and wireless carriers alike.

Use of an Industry Advisory Committee will most efficiently allow for an approach which accommodates the geographic and economic variation within the wireless industry. Its use will thus facilitate the broad availability of wireless E911 service on an economically and technically sound basis. Implementation of new E911 features must also be linked directly to the Public Safety Answering Point ("PSAP") operator's ability to handle the information to be transmitted.

In sum, the Commission must be careful not to act prematurely or overbroadly, since to do so will risk delay in deploying comprehensive, economic solutions. CTIA therefore urges the Commission to move promptly to create an Industry Advisory Committee to consider and resolve the issues raised in the Notice.

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The Cellular Telecommunications Industry Association ("CTIA")[1] respectfully submits its comments in the above-captioned proceeding.[2] CTIA strongly supports the goal of this proceeding, that is, to ensure the broadened availability of enhanced 911 ("E911") services to users of wireless telecommunications.

In order to most efficiently secure the successful attainment of this goal, CTIA believes that the Commission should establish an Industry Advisory Committee to devise a consensual solution that will provide a uniform E911 platform. To be

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[1] CTIA is a trade association whose members provide commercial mobile services, including over 95 percent of the licensees providing cellular service to the United States, Canada, Mexico, and the nation's largest providers of ESMR service. CTIA's membership also includes wireless equipment manufacturers, support service providers, and others with an interest in the wireless industry.

[2] Notice of Proposed Rulemaking in CC Dkt. No. 94-102, 9 FCC Rcd 6170 (1994). CTIA does not address those issues raised in the Notice relevant to PBX and private network interconnection with E911 services.

viable, that solution must reflect an approach which accommodates the geographic and economic variation within the wireless industry, thereby facilitating the broad availability of wireless E911 service on an economically and technically sound basis. The Commission should eschew the imposition of regulatory requirements prior to the establishment of a common technological capability. In addition, the implementation of new E911 features must be linked directly to the Public Safety Answering Point ("PSAP") operator's ability to handle the information to be transmitted. Premature action here would put wireless carriers and consumers at risk, as carriers could be required to inefficiently invest in short-lived, less efficient, and less complete alternatives and thereby forestall the implementation of more comprehensive and economic solutions.

I. INTRODUCTION AND BACKGROUND

The wireless industry has a longstanding tradition of serving important public safety needs. Consistent with this tradition, virtually all cellular carriers today provide basic 911 service or some close alternative constituting an abbreviated access to emergency services. Based upon a survey of its members, CTIA estimates that approximately 550,000 911 cellular calls are made each month. Cellular carriers inform their customers through user guides, customer newsletters, and special safety promotions designed to best educate consumers as to the correct emergency numbers necessary to dial in their serving market.

These achievements are all the more impressive when placed in context: the hurdles to ensuring basic 911 availability, and most especially the features of enhanced 911 systems, have been and continue to be, substantial. The problems are technical, economic, and legal.

Both basic and enhanced 911 systems were designed to provide access to emergency services for wireline subscribers. These emergency systems thus do not address the unique characteristics of wireless communication, and the special issues raised by its interface with 911 services. The wireless experience with 911 thus far exhibits the nature of the problems.

Many of these problems are a function of or related to radio frequency issues.[3] RF signals do not and cannot be expected to respect political boundaries. For example, 911 calls are ordinarily routed to the PSAP serving the area in which the call originates. Cellular systems are engineered, however, to transfer calls to a second cell site outside the service area for any number of reasons, such as in the event that the servicing cell site is busy. If a 911 call is so handled, potentially the wrong PSAP is connected to the call.[4]

The landline system is engineered currently to a single supplier in each discrete geographic area. For wireless

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[3] See "Emergency Services," Joint Experts Meeting Report, TR 45/94.08.24, at Section 2.1, Telecommunications Industry Association 1994.

[4] In an E911 system, this could result in an incorrect location being reported by an ALI-equipped system.

services, multiple service providers -- with very different coverage areas, service and technical configurations and protocols -- exist today. The involvement of all of them is necessary to resolve the issues in this proceeding. The coordinated history and evolution that characterizes the landline 911 systems is absent for wireless services, requiring therefore that multiple PSAPs coordinate with and accommodate the multiple wireless service providers. This problem will very predictably expand with the licensing of PCS in the very near future, only emphasizing the need for a rationale, deliberative process in which all industry input can be included in the development of a uniform protocol.

Additional problems for wireless 911 arise from the landline 911 systems. The wireline availability of 911 is by no means universal today. Many areas, especially rural areas, are still in the process of resolving problems for implementing either 911 or E911 services.[5] The lack of availability on the wireline side of course translates into problems for wireless service providers needing to interconnect with PSAPs in order to provide 911 services. It is not uncommon for a cellular carrier's service area to extend over both wireline service areas with and without

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[5] For example, Fauquier County, Virginia, a mere 50 miles outside Washington, D.C., only implemented E911 on January 1, 1995. The delay was caused, inter alia, by the costs to the local government and the need to first assign residents (and a resistance to such assignment) street number and name identification essential to the location function.

911 service. Thus, cellular carriers will face obstacles to 911 deployment throughout their service area in such instances.

Finally, PSAPs have taken widely varying positions with respect to the implementation of wireless 911 service. In some instances, PSAPs have been reluctant to accept cellular 911 calls for fear of overloading their systems and increasing costs. These concerns are apparently derived from PSAP perceptions that the number of calls would increase disproportionately, the length of calls would increase, multiple calls per incident would be likelier, and more frivolous use of 911 could occur.[6] In some cases, PSAPs have insisted that E911 features be immediately implemented, ahead of technical and economic feasibility. In other cases, and more commonly, local resources simply are not capable of supporting the expense of enhanced 911 equipment and expenses.

And because local needs and funding necessarily vary, the wireless industry faces varying demands that can conflict with universal implementation. Jurisdictional disputes among adjacent PSAPs can often delay satisfactory solutions. For example, in Chicago and certain surrounding suburbs, wireless carriers provide *999 dialing for emergency calls because 911 is not yet

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[6] The concerns stem in part from experience: multiple cellular phone users may typically call 911 to report a single incident all have witnessed. This use is plainly not frivolous, but it nevertheless can create congestion problems.

fully in place due to technical, jurisdictional and funding problems.[7]

These are the challenges facing the wireless industry -- and the Commission -- in their common objective to more fully ensure the availability of these services. These obstacles are by no means insurmountable; however, they must be realistically accounted for and resolved in order to proceed with some degree of confidence.

II. THE SUBSTANTIAL TECHNICAL ISSUES PRECLUDE THE ADOPTION OF DEFINITIVE RULES OR TIMING REQUIREMENTS AT THIS TIME.

The Notice seeks information and comment on the feasibility of promulgating rules to require wireless services, particularly Commercial Mobile Radio Services ("CMRS") that provide real time voice services, to ultimately provide the same level of access to 911 and E911 emergency calling services as is available to wireline customers. Toward that end, the Notice focuses upon the features wireless service providers must implement to achieve such parity, including proposals for specific deadlines for their implementation.[8] Although the Commission proposes requirements and schedules for implementation, there remains a fundamental problem insofar as the technical solutions necessary to achieve the Commission's objectives are in various stages of

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[7] "A Call to Action; Cellular 911 Is Joining *999 on the Mobile Phone Safety Net," Chic. Tribune, Transp. Section p.1 (Nov. 27, 1994).

[8] 9 FCC Rcd. at 6176-80.

development -- and none has been commercially demonstrated that meet the FCC's ultimate goals. Very simply, the relevant technology is too immature to reliably serve as the basis for crafting current rules. Further, the problems identifiable in the general case are all the more troublesome when one considers the special challenges facing carriers and PSAPs serving rural communities.

A. The Notice's Three Phase Proposal for Location Information Is Premature.

Among the more important features, and the one most difficult to resolve under current conditions, is location information. More specifically, the FCC requests comment on the technical and cost considerations affecting the implementation of any Automatic Location Identification ("ALI") requirement for E911 service to wireless customers that would include detailed location information (latitude, longitude, and elevation) which would be provided to the PSAP.[9] Acknowledging shared concerns over technical and financial feasibility, the Notice tentatively concludes that compliance with any ALI requirement should be implemented in three steps, culminating with the ability to provide the three-dimensional location within a radius of no more than 125 meters within five years of the effective date of an order adopting the rules in this proceeding.

While CTIA fully commends the FCC's vision and efforts with respect to the ultimate goals for the provision of access to E911

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[9] Id. at 6178.

services by CMRS providers, it cannot responsibly support the time frame set out in the Notice. The linear implementation of the location function reflected in the proposal is inconsistent with the likely underlying technical solutions necessary or appropriate to achieve the desired features.

At the outset, CTIA urges the Commission to keep in focus the differences between wireline and wireless 911 services as they specifically relate to the location function. Plainly, the location feature for a landline telephone almost always provides valuable if not essential location information to the PSAP. Even if the caller is not the same person in crisis, it will be someone in very close proximity except in the unusual case. This is plainly not true for mobile services, where a substantial portion of the 911 calls can be expected to be from persons at one time in proximity to the emergency but thereafter having moved on -- even during the course of the call.[10] Thus, in a substantial number of cases, knowledge of the location of the mobile unit will be only minimally helpful to determining the location of the emergency. Further, PSAPs that are currently equipped with location databases use street number and address -- typically reverse directories generated from telephone company subscriber databases. Mobile units, of course, are not meaningfully associated with such addresses, and thus the PSAP

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[10] As distinguished from landline 911 service, much greater percentage of wireless 911 calls appear to be placed by good samaritans witnessing the event rather than by those actually in need of the emergency service.

databases will have to be altered at material costs to accommodate a mobile location feature.[11]

The disparity evident on the end user/PSAP side is echoed on the supply side as well. This is most evident with respect to the Commission's proposal for three-dimensional location identification. Phase three (and the final phase) of the Notice's location function proposal would require the provision of precise three-dimensional location within 125 meters to the PSAP within five years of the adoption of standards. Although a number of technological alternatives can be identified today which could evolve into technically and economically feasible solutions in the future, it is simply unknowable at this time which, if any, will so succeed and in what time frame. Each of today's known choices poses problems. For example, Global Positioning System signals may provide a good degree of accuracy under optimal outdoor conditions, but in densely built-up areas signal shadowing can result. Moreover, it is simply unavailable indoors.[12] Other technologies based upon triangulation techniques raise troublesome issues of cost, compatibility and utility in a mobile radio environment, especially in rural areas,

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[11] Without street addresses, the PSAP must support a database that is graphics-based, rather than text-based, to convert cell site latitude and longitude information to a dispatchable location.

[12] See generally C.J. Driscoll & Associates, "Survey of Location Technologies to Support Mobile 9-1-1," at 9-10 (1994).

where towers are more dispersed, or strung in a line along major highways.[13]

These problems spill over and implicate the achievement of phases one and two of the location function. More specifically, the incremental phase-in approach would not efficiently or effectively achieve the long term objective of three-dimensional location using a common PSAP protocol. The implementation of the first phase of User Location/ALI (identification of the cell site or base station location to the PSAP within one year of the adoption of rules) could be accomplished albeit in a vacuum. It is simply uncertain whether implementation of phase two (provision of an estimate of the direction and distance of the mobile unit from the receiving base station or cell site to the PSAP within three years of the adoption of rules) can be economically and technically viable within the anticipated time frame, in light of the technical limitations described above. Even assuming that phases one and two could be implemented within the proposed time frames, however, mandating that they happen independent of the progress made on phase three will be very inefficient. Particularly if the steps used to implement phase one and/or phase two are ultimately incompatible with the systems needed to implement phase three, the Notice's schedule would require both carriers and PSAPs to make substantial investments that would almost immediately become obsolete. That wasted

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[13] In some rural areas, cellular carriers may not even have the three cells required for triangulation.

investment would itself deter and delay full and timely deployment of superior technologies.

Stated otherwise, providing cell sector information, as called for in phases one and two, is not a logical evolutionary path to the desired end: more accurate location information. If time and money are artificially diverted from long term solutions in order to patch together a partial "fix," wireless consumers and their service providers will be injured. These costs are self-evident where, as could be likely here, mobile units are forced to be repeatedly retooled or changed out at considerable expense.

In short, the path taken toward achieving phase three should be made as economically efficient and rational as possible. This is especially important given the desire of many public safety organizations that the wireless industry establish a single protocol for transmitting emergency calls and the associated user location information. Although several existing technologies may be capable of providing some of the features associated with User Location/ALI, existing technology is incapable of providing the functions associated with phase three.

The wireless industry is willing to undertake the efforts to implement broader access to E911 services, but the steps toward the end result must be economically and technically rational. Such rationality is not possible until there is uniform

understanding of the technological capabilities and protocols available to address the issue.[14]

B. Additional Issues of Functionalities in the Notice Are Also Better Suited to Industry Study and Solution.

The Notice raises a number of additional issues beyond those involving location information which equally require industry input and solution before any regulatory mandates can rationally be considered. Their complexity, as well as their interdependence, is evident upon brief examination.

911 Availability. CTIA and its members have worked extensively in the absence of governmental mandates to promote the availability of 911. CTIA believes the Commission is correct to recognize that availability must be tied to the activated status of the mobile phone, otherwise the phone will not have a MIN (Mobile Identification Number) associated with it and thus will lack an associated phone number. This would create myriad problems, such as precluding such features as call-back and possibly inviting opportunity for frivolous use that would actually impede access to 911 services. However, validation is

[14] Substantial efforts have already begun as reflected by the JEMs (Joint Expert Meetings) held in 1994. The initial JEM, for wireless 800 MHz issues, was co-sponsored by CTIA and TIA. Thereafter, PCIA sponsored a 2 GHz JEM. The latter JEM reached the same substantial conclusion as the first.

not necessary, as cellular switches are generally programmed to put 911 calls through without screening.[15]

Call Priority. The technical impediments to call priority are substantial at this time. This function would require the carriers' networks to read dialed digits before the call is placed. However, cellular call processing does not provide for customer interconnection with the network (and thus the reading of dialed digits) until the user actually causes a channel to be seized by pressing "send" after he has dialed the digits. In other words, since cellular networks are designed to assign the customers a channel before the switch reads the dialed digits, 911 call priority in a wireless network is not comparable to a landline call. Moreover, suggestions that PACA (Priority Access Channel Configuration) provides a solution are simply wrong. PACA provides the carrier with the capability to prioritize calls based upon the identity of the customer; it does not and cannot distinguish among calls placed from any one mobile unit. Finally, one must also consider the nature of 911 usage from wireless phones, i.e., that multiple calls will be placed by multiple users witnessing the same incident. This alone requires special considerations to solve the queuing problem, otherwise literally dozens of calls would all somehow require "priority"

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[15] Accordingly, both home and roaming customers who dial 911 are routed automatically to a PSAP in locations which have 911 service. Thus, even when a roaming customer's access to a visited system may be restricted (due to fraud, or lack of an inter-carrier roaming agreement) access to 911 service is always available.

handling for the same need, causing congestion for both carriers and PSAPs. Again, an industry committee is best suited to fully examine possible solutions here.

Re-ring/Call Back. The wireless industry supports this goal, but the technical upgrades required to achieve call back capability are substantial. Generally, the trunk connections between PSAPs and cellular carriers today allow for the provision of only 7-digit numbers. In a jurisdiction where the carrier's service area covers a single NPA, call back can be accurately achieved for "home" customers. However, the inability to provide 10 digits will disable call back in the case of roamers. Further, these problems obtain even for "home" units in areas where the cellular carrier's service area extends across multiple NPAs -- a condition which involves the most populous areas, and thus a substantial percentage of the population. Additional problems must also be solved, such as the unavailability of call back capability where a roamer's home system has not deployed Automatic Call Delivery capabilities.[16]

Common Channel Signaling. This issue requires substantial study and simply cannot be rationally addressed without extensive coordination and consideration by the relevant parties. Enormous costs would be incurred by both PSAPs and carriers to achieve the necessary modifications and upgrades. The Notice's analogy to

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[16] Also, if the unit is not a validated account, call back cannot be achieved. While a 911 call will be processed from a unit associated with an invalid account, as earlier described, the switch will not be able to deliver traffic back to a unit that is not associated with a validated account.

the wireline network does not readily transfer to wireless services here.

For example, routing information as well as transfer number data available on the wireline side are based upon the street address of the originating telephone -- a concept of very limited utility in a mobile context. As earlier described, the PSAP database used on the wireline side would have to be materially revamped for mobile usage, i.e., from a street address to a graphics-based system in order to identify the location of the originating unit. Beyond this considerable expense, knowing that location will often be of minimal help, since so many wireless 911 calls are placed by good samaritans who have travelled since they first placed the call. Given the substantial costs and uncertain benefits, referral to an industry forum for further study is appropriate.

TTY Access. Currently, a TTY customer equipped with a data-over-cellular modem can access other TTY customers and TTY relay services. TTY mobile units are still in the development stage, and are not readily available today. While 911 access is provided to TTY customers today through the relay center, full deployment will require additional standards consensus among carriers and PSAPs in order to ensure that PSAPs can receive the data.

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Thus, all of the issues raised in the Notice should be dealt with comprehensively. As discussed infra, the formation of an

Industry Advisory Committee under the FCC's auspices would provide precisely this opportunity.

C. The Special Challenges Facing Rural Communities Underscore the Need for Industry Study.

The Commission must also take account of the special concerns and needs of rural communities before it proceeds further. As noted, the availability of 911 and E911 services in rural areas is considerably reduced in these areas, and local governments must be free to continue to prioritize their own spending. 911 and E911 services remain unavailable to approximately 65% of the geographic area comprising the United States, and to 25% of the population. It would be arbitrary for the FCC to require national deployment of functions which PSAPs are not yet ready or able to receive. See discussion pp. 18-20, infra.

Moreover, technical issues and their potential solutions may vary in rural areas. For example, due to much wider spacing of cellular towers in rural areas, Commission proposals for location features based upon cell sector data are at best questionable in this context. Allowing for industry study and consensus will ensure that the special needs of rural communities and their service providers are satisfactorily met.

III. THE FCC SHOULD FORM AN INDUSTRY ADVISORY COMMITTEE TO ADDRESS THE TECHNICAL AND POLICY ISSUES ASSOCIATED WITH WIRELESS E911 SERVICES.

The optimal path toward a uniform protocol for the provision of E911 services by CMRS providers is through an FCC-sanctioned industry advisory committee, similar to those created in the past by the Commission to address the complex technical, economic and policy issues. See, e.g., Formation of Advisory Committee on Advanced Television Service, 52 Fed. Reg. 38523 (1987); In re Preparation for an International Telecommunications Union World Administrative Conference for the Mobile Services, 1985 FCC LEXIS 3619 (rel. Mar. 29, 1985); World Administration Radio Conference-92, 1992 FCC Lexis 1962 (rel. Apr. 16, 1992). For example, in resolving to reduce the spacing of domestic satellites, the FCC initiated a new advisory committee to identify and propose solutions for the complex technical and operational problems inherent in such a move. Establishment of an Advisory Committee on Implementation of Reduced Orbit Spacing Between Domestic Fixed Satellites, 102 FCC 2d 390 (1985).

Reasoning that the process provides the opportunity for input from all affected parties, the Commission has established advisory committees as the most efficient and expeditious way of proceeding and attaining ultimate policy objectives in certain circumstances. Those circumstances typically involve complex technical issues, often involving transition problems as new technologies and/or standards either supplant or co-exist with pre-existing ones. Typically, coordination is required among

service providers[17] and manufacturers[18] as well as the PSAPs,[19] making an FCC-sponsored process particularly helpful. All of these conditions obtain here, and CTIA accordingly urges the Commission to undertake the formation of an advisory committee for these purposes.

CTIA believes that the committee should be created, conducted and terminated pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App.I. This would allow for advance public notice of meetings, ensuring meaningful opportunity to participate on all of the issues raised in the Notice with respect to wireless E911 service. Further, reliance on private sector funds for non-governmental participation would mean very modest government funding requirements, actually saving tax dollars by freeing up scarce FCC resources and personnel for other Commission matters.

IV. THE COMMISSION CAN TAKE CERTAIN IMMEDIATE STEPS TO PROMOTE PROMPT IMPLEMENTATION OF WIRELESS E911.

The FCC should avoid the placement of undue burdens upon CMRS providers in their 911 undertakings. Two key potential sources of costs which threaten to delay full implementation have

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[17] Service providers now include cellular carriers who have adopted AMPS, TDMA, and CDMA technologies, ESMRS who have adopted MIRS technology, and soon at least 3 broadband PCS providers with their own technology platforms.

[18] Manufacturers include separate vendors of base station and mobile units.

[19] The PSAPs' own vendors must lease hardware and software that is technically compatible with the various protocols.

already come to light. First, CMRS providers should not be required to implement those new features until the PSAP operator is equipped to handle the information to be transmitted by the CMRS provider. Although the Commission appears to contemplate a nationwide deployment, it must recognize that many local governments are not equipped to enjoy the benefits of an enhanced 911 wireless system. Given funding shortages, local governments may choose to fund other services which are deemed by them to have higher priorities. For this reason, it would be inefficient to require wireless service providers to upgrade in order to provide features which PSAPs may or may not be able to accept and utilize.[20] Therefore, any requirement the Commission may ultimately promulgate should apply upon receipt of a bona fide request from a PSAP actually capable of processing the information required to be provided.

The concept of a "bona fide" request is familiar to telecommunications. The FCC has used an analogous concept in implementing each of its policies governing expanded interconnection,[21] transport,[22] and equal access requirements for

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[20] In this sense, the aspect of the timing issue can be viewed as one appropriately made at the local level, consistent with federal jurisdictional concerns for overall policy and technical issues. Other multijurisdictional issues may, in contrast, warrant federal preemption, as the Notice acknowledges. However, the FCC need not and cannot address these issues until federal policies are in place. The Commission also needs to coordinate its policies with those of other federal agencies, including NHTSA and REA.

[21] Expanded Interconnection with Local Telephone Company Facilities, 9 FCC Rcd 5154 (1994) (requiring local exchange carriers to provide expanded interconnection in central offices

independent telephone companies.[23] The concept derives from the AT&T Consent Decree equal access implementation requirements.[24]

Secondly, CMRS providers should be free to implement 911 and E911 services without fear of liability for their efforts which, unfortunately but inevitably fail in specific cases. At the federal level, it is long-settled public policy to allow a common carrier to limit its liability for negligent acts in order to best promote carriers' continued willingness and ability to provide reasonably priced services to the public.[25] See, e.g., Schaafs v. Western Union Telegraph Co., 215 F.Supp. 419 (E.D. Wisc. 1963) (damages resulting from failure to send interstate message governed by carrier's tariff provisions); Komatz Construction, Inc. v. Western Union-Telegraph, 186 N.W. 2d 691 (Minn. 1971); Housing Authority of Decatur, 183 S.E. 2d 227 (Ct. App. Ga. 1971).

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where a bona fide request is made by an interconnector).

[22] Transport Rate Structure and Pricing, 7 FCC Rcd 7006 (1992) (exempting Tier 1 local exchange carriers that have not received bona fide requests for direct-trunked transport from implementing the interim transport rate structure).

[23] MTS and WATS Market Structure, 100 FCC 2d 860 (1985) (requiring independent local exchange carriers to convert certain end offices within three years of a bona fide request for equal access service).

[24] United States v. AT&T, 552 F.Supp. 131 (D.D.C. 1982), aff'd sub nom., Maryland v. United States, 460 U.S. 1001 (1983).

[25] These liability limitations are typically provided for in tariffs, a vehicle not generally available to CMRS providers. Thus, a federal rule directly governing this would be necessary.

Moreover, in each state, some form of legislation exists which protects individuals from civil liability for any negligent acts or omissions committed while voluntarily providing emergency care. The purpose of these "Good Samaritan" statutes is to encourage prompt emergency care for injured persons without the fear of liability. Notably, in at least one state, immunity from liability has been specifically extended to wireless service providers. See KAN. STAT. ANN. § 12-5301 SEC. 36 (1994) ("A public agency or wireless carrier shall not be liable for any form of damages resulting directly or indirectly from the total or partial failure of any transmission to an emergency telephone service"). A federal rule limiting the liability of wireless service providers in their provision of 911 and E911 services would minimize the costs of implementing these services, and thus facilitate the broadened availability of E911 services to users of wireless telecommunications.

V. THE COMMISSION SHOULD DEFER JUDGMENT ON EQUIPMENT REQUIREMENTS UNTIL THE LARGER ISSUES ARE RESOLVED.

The Notice seeks comment upon the need for specific requirements for base and mobile equipment to achieve certain performance objectives. As the foregoing discussion demonstrates, it is entirely too early to rationally determine the means of achieving the stated objectives. The Commission cannot therefore consider altering equipment requirements until technical and economic solutions are reasonably identified and available.

The second aspect of the Notice's equipment proposal relates to the possibility of imposing labelling requirements. The labels would apparently be designed to inform users of the capabilities available to them. The problem with this proposal lies in the fact that the service provider -- not the mobile unit -- will be the greater determinant of capability here. Similarly, local emergency providers' abilities will provide a more direct influence upon the functionalities available to consumers in any particular locale than will the mobile units. Equipment labels could become immediately incorrect upon a customer's travel from an area with a PSAP to an area with no 911 or E911 service. Also, because customers frequently change service providers but maintain their mobile units, for example due to competitive promotions or subscribers' change in residence, this too could be a pervasive source of customer misinformation and confusion, producing precisely the opposite result which the Commission intends.

CTIA believes that this issue should at most await solution of the overall issues in this proceeding, when the FCC can revisit the issue of whether any labelling requirement could avoid these pitfalls.